

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEMTRON CORPORATION,)
)
Plaintiff,)
) Case No. 1:04-0387
v.)
) Hon: AVERN COHN
SAINT-GOBAIN CORPORATION,)
)
Defendant.)

AMENDED SCHEDULING ORDER

This is a patent case. The patents-in-suit are U.S. Patent No. 6,422,673-1 (the '673 patent), Refrigerator Compartment Housing Vertically Adjustable Shelves, Each Formed From a Piece of Tempered Glass Snapped-Fastened to an Injection Molded Frame, and U.S. Patent No. 6,679,573-B2 (the '573 patent), Refrigerator Shelf. The accused device is generally described as a refrigerator shelf.

The Court held a status conference on January 12, 2007, at which it made several decisions regarding the course of the case and its substance. They are:

1. The parties are realigned. The caption reflects the realignment.
2. The '573 patent is the paradigm patent. Claim 23 is the representative claim.

The shelf designated SG16 is the paradigm product. Proceedings on the '673 patent and claims other than Claim 23 of the '573 patent and products other than the SG16 are STAYED until further order of the Court.

3. The element of Claim 23 of the '573 patent which is alleged to be infringed reads:

. . . a relatively resilient end edge portion which temporarily deflects and subsequently rebounds to snap-secure one of said glass piece front and rear edges in the glass piece edge-receiving channel of said at least one front and rear frame portion. (Col 8: II 60-65).

4. Plaintiff asserts literal infringement and willful infringement. Plaintiffs shall not be foreclosed from asserting infringement under the doctrine of equivalents.

5. The deadlines in prior procedural orders are VACATED.

6. Defendant intends to file a motion for summary judgment of invalidity within twenty (20) days. Plaintiff shall have twenty-one (21) days to respond. The reply is due within ten (10) days thereafter.

7. Defendant intends to file a motion for summary judgment of non-infringement within twenty (20) days. Plaintiff shall have twenty-one (21) days to respond. The reply is due within ten (10) days thereafter.

8. Plaintiff shall have leave to file motions for summary judgment as to infringement and validity as plaintiff deems appropriate.

9. The parties shall arrange for an in-court tutorial with the Court's case manager within thirty (30) days.

Any objections to this Order shall be filed within the Court within five (5) business days.

SO ORDERED.

Dated: January 26, 2007

s/Avern Cohn

AVERN COHN

UNITED STATES DISTRICT JUDGE